



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

ALEXANDRA CORSI
Senior Counsel
Tel.: (212) 356-3545
Fax: (212) 356-3509
acorsi@law.nyc.gov

December 22, 2023

BY ECF

Honorable Ona T. Wang
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Patricia Rodney v. City of New York, et al.*, 22 CV 1445 (LAK) (OTW)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and a supervising attorney in the Special Federal Litigation Division. In that capacity, I write to respectfully request an extension of time, from December 22, 2023 to January 22, 2024, for the Defendants to comply with the Court's December 11, 2023 Order directing Defendants to file a status letter to update the Court on the progress of discovery and to provide a reasonable estimate for the time of completion. Plaintiff's counsel, Remy Green, does not consent to this request.

Plaintiff's Position:

Plaintiff provided the following to include in this letter: Plaintiff objects to the extension itself, and the length. This is the second time Defendants are derailing discovery with the substitution of counsel. While Plaintiff is happy to consent to reasonable requests, she has already consented to over a year of extensions on the issues Defendants are asking for still more time on.

Moreover, it appears, from Defendants' description, that Mr. Musso did maybe quite literally nothing in attempting to comply with the Court's November Orders since his last letter (indeed, on email issues, I have sent more than a dozen emails asking to confer with counsel, scheduled two

meetings at which counsel was unprepared to discuss anything, and have to date received nothing substantive).¹

Further, once again, Defendants have asked for Plaintiff's position in the afternoon the day of the deadline, contrary to the Court's requirement that any application "shall be made *at least 48 hours* before the deadline or scheduled appearance" (emphasis in original). And this issue was not a mystery either: Current counsel appeared in another of Mr. Musso's cases (*Reyes*) and disclosed his departure earlier this week. Yet, Mr. Musso said nothing of this or the need for an extension in multiple communications this week. Nor did the supervisor now writing the letter reach out until around 3:00 p.m. today.

In sum, as the Court knows, the extension to December 22 was granted over Plaintiff's objection, with the promise that *this time*, Defendants would finally resolve these issues. And these issues were subject to a motion all the way back on **August 23, 2023** (ECF No. 117), which followed multiple rounds of meeting and conferring, and a detailed deficiency letter raising every one of these issues on July 18, 2023, which itself followed earlier letters raising these issues in May.

Defendant's Request:

The reason for the City's request is that this case is currently being transferred to a different Assistant Corporation Counsel as Mr. Musso is no longer assigned to the case and will be leaving employment at the Office of the Corporation Counsel. Given the abruptness of the need to transfer this case, next week's holidays and many attorneys' pre-scheduled vacations for next week, a new attorney cannot be assigned to this matter until after January 1, 2024. Moreover, unfortunately, in such limited time, it was similarly not feasible for the undersigned to sufficiently determine the status of the issues that were required to be addressed in today's Court Ordered status letter.

Finally, given the Court's December 14, 2023 Report and Recommendation that was issued last week, it is necessary for the newly assigned attorney to review that decision and determine whether it impacts any remaining discovery. To that end, this Office is additionally in the process of determining whether they intend to file any objections to the December 14th Report and Recommendation². This Office sincerely apologizes for the delays this has caused.

In light of the above, it is respectfully requested that the Court grant the City an extension of time, until January 22, 2024, for the City to assign a new attorney to this matter and for the new attorney to familiarize him or herself with the case, meet and confer with Plaintiff's counsel on the outstanding discovery, and thereafter provide a status letter and proposed schedule to complete any such remaining discovery to the Court. Again, we sincerely apologize for any inconvenience

¹ The undersigned feels compelled to clarify that, during the call with Mx. Green this afternoon, the undersigned indicated that she was unclear as to what discovery had been accomplished, what was still outstanding and, therefore, the reason for today's request, was, in part, to determine same. She did not state that nothing had been done.

² The undersigned discussed with Mx. Green this afternoon the City's request for an extension of time to submit any such objections to the Report and Recommendation, and Plaintiff's counsel consents to an extension until January 12, 2024. The undersigned will be filing a stipulation for Judge Kaplan's endorsement to that effect shortly.

and delay this has caused the Court, the parties and counsel, and thank the Court for its consideration.

Respectfully submitted,

/s/ Alexandra Corsi

Alexandra Corsi

Senior Counsel

Special Federal Litigation Division

cc: **By ECF**
Remy Green, Esq.
Attorney for Plaintiff